

UNITED STATES DISTRICT COURT

11/21/2006

for the

U. S. DISTRICT COURT
W. DIST. OF N. C.

Western District of North Carolina

Report on Offender Under Supervision

Name of Offender: James Howze

Case Number: 3:05cr277-031

Name of Sentencing Judicial Officer: The Honorable Lacy H. Thornburg
U.S. District Court Judge

Date of Original Sentence: 08/23/2006

Original Offense: 18:371 & 1349 Conspiracy to Defraud the United States

Original Sentence: Two (2) years probation. Special Conditions: \$100 assessment and \$17,310
restitution jointly and severally.

Type of Supervision: Probation

Date Supervision Commenced: 08/23/2006

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

OTHER (Date violation concluded: 10/16/2006).

The defendant has violated the condition of supervision that states, "As directed by the Probation Officer, the defendant shall notify third parties of risk that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the Probation Officer to make such notifications and to confirm the defendant's compliance with such notification requirement," in that, the Probation Officer believes that his employer may be a 3rd party risk. The defendant is currently employed as a car salesman at Youmans Chevrolet, located in Macon, Georgia. As he is doing the same type of work that resulted in the instant federal offense, the supervising probation officer is of the opinion that a 3rd party risk exists, and his employer should be notified of his conviction. The probation office has spoken to the defendant and his attorney, Kimberly Best, and both disagree with the 3rd party risk notification. The probation office is seeking the advice of the Court on how to proceed with this matter.

U.S. Probation Officer Action: The probation office is seeking the court's opinion to determine if the employer is a 3rd party risk and should be informed of his conviction. The defendant feels that he will be fired from his current job if his employer becomes aware of his conviction.

U.S. Probation Officer Recommendation: The defendant has been convicted of Conspiracy to Defraud the United States. Employer should be notified of his supervision and offense of conviction.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

by


Glynis L. Eaton
U.S. Probation Officer
(704) 350-7637

Date: 11/06/2006

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- Concur with Recommendation
 - Submit a Request for Modifying the Condition or Term of Supervision
 - Submit a Request for Warrant or Summons

Other *I agree with defendant and attorney at this time. More frequent reporting to supervising officer may be yet necessary.*

11-16-06

Date


Signature of Judicial Officer